[30th January 1931

Alleged refusal of drinking water to political convicts in the Madras Penitentiary.

* 266 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the Superintendent of the Madras Penitentiary has made it a rule that political convicts who go on hunger strike as a protest against their ill-treatment should be refused drinking water; and

(*b*) if so, under what law and rule such action is taken?

A.—(*a*) No.

(*b*) Does not arise.

Mr. BASHEER AHMED SAYEED :—"How is it, Sir, that the Government have no information with regard to clause (*a*)?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"The question is—

'whether it is a fact that the Superintendent of the Madras Penitentiary has made it a rule that political convicts who go on hunger strike as a protest against their ill-treatment should be refused drinking water.'

The answer is definite: 'No, he has not made any such rule'."

Mr. BASHEER AHMED SAYEED :—"May I enquire, Sir, whether it is a fact that in the presence of Rao Bahadur Ranganatham Chettiyar, the Superintendent said that he would stop giving drinking water to convicts who go on hunger strike?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"I am not aware of any such incident."

Mr. BASHEER AHMED SAYEED :—"Will the hon. Member be pleased to call for a report from Rao Bahadur Ranganatham Chettiyar, a non-official visitor to jails?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"No."

Mr. BASHEER AHMED SAYEED :—"If he is willing to give one, will he call for it?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"Sir, the gentleman can send his report if he wants."

Alleged ill-health of Mr. M. Purushothama Sarma.

* 267 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government are aware of the continued illness extending over eight months of Mr. Mangipudi Purushothama Sarma of West Godavari in the Vellore Jail and the measures, if any, taken by the jail authorities to restore him to health or release him on medical grounds; and

(*b*) whether any representations were made to the Government urging care and attention to the jail authorities to the above gentleman's illness; and, if so, by whom and to what effect?

A.—(*a*) & (*b*) The hon. Member is referred to the answer to question No. 317.

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Mr. A. RANGANATHA MUDALIYAR :—" Sir, in the answer to this question reference is made to question No. 317, appearing on pages 28 and 29 of to-day's list of questions and answers As that is an unstarred question, it does not permit of any supplementary question being asked. In the circumstances, I wish to ask the hon. the Law Member whether he will be pleased to state the materials on which the Magistrate based his recommendation. It is stated that the Magistrate recommended the gentleman to be placed in 'A' class, but the Government placed him in 'B'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The trial Magistrate made a particular recommendation, and the District Magistrate made a different one to the Government. The Government have agreed with the District Magistrate."

Mr. C. SATYANARAYANA CHOUDARI :—" Will the hon. Member be pleased to state what the material is on which the District Magistrate based his recommendations ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" He is the head of the district and has ample opportunities for getting information about the person's status and mode of living."

Mr. C. SATYANARAYANA CHOUDARI :—" May I know, Sir, whether the District Magistrate has furnished materials on which he has based his reasons for differing from his subordinate ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. C. SATYANARAYANA CHOWDARI :—" May I know, Sir, whether he has done so in this case ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. B. POCKER SAHIB :—" May I know, Sir, whether there were any extra-judicial information on which the District Magistrate based his conclusions ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" There is no formal evidence to be taken by the District Magistrate. The Magistrate makes enquiries and the District Magistrate also makes enquiries and on the results of these enquiries recommendations are based."

Mr. M. A. MANICKAVELU NAYAKAR :—" Sir, the Government have always been making much of the discretion of the man on the spot. May I know, Sir, why the discretion of the officer on the spot was not acted upon ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The officer on the spot is the District Magistrate and the Government have accepted his recommendations."

Mr. ABDUL HAMEED KHAN :—" May I know whether it was Subdivisional Officer or the District Magistrate that was the officer on the spot ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The officer on the spot is the District Magistrate."

Mr. ABDUL HAMEED KHAN :—" Is not the Subdivisional Officer of the division from which the prisoner comes, the officer on the spot, Sir ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No, Sir, not for this purpose."